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In re application of: **COTE et al.**
Serial No.: 10/035,997
Filed: 10/26/2001
For: **MATCHED VELOCITY TRANSFER APPARATUS FOR A SHEET MATERIAL ARTICLE TRIMMER**

Sir:

Transmitted herewith is an **APPEAL BRIEF with Appendixes A, B, C (12 pages total)** in the above-identified application.

- [] Also transmitted herewith are:
[] Petition for extension under 37 C.F.R. 1.136
[] Other:
- [X] Check(s) in the amount of **\$500.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: Appeal Brief Fee
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on May 16, 2006.
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Jan Decker

Application No.: 10/035,997
Appeal Brief dated May 16, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: COTE, et al.
Serial No.: 10/035,997 Confirmation No.: 3643
Filed: 10/26/2001
For: MATCHED VELOCITY TRANSFER
APPARATUS FOR A SHEET MATERIAL
ARTICLE TIMER

Art Unit: 3724
Examiner: Phong H. Nguyen
Customer No.: 23280
Atty. Docket: 6001.1178

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 16, 2006

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated December 15, 2005 in this application. The statutory fee of \$500.00 is paid concurrently herewith.

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1. REAL PARTY IN INTEREST

The real party in interest is Goss International Americas, Inc., a corporation having a place of business in Dover, New Hampshire, and the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned to Goss International Americas, Inc. by a chain of assignments originating from inventors Cote, Curley and Raffaele. The most recent assignment was recorded on October 20, 2004 at reel 015886, frame 0619.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1 to 11 and 21 to 25 are pending. Claims 12 to 20 have been canceled. Claims 1 to 11 and 21 to 25 have been finally rejected as per the Final Office Action dated December 15, 2005.

The rejection to claims 1 to 11 and 21 to 25 thus is appealed. A copy of appealed claims 1 to 11 and 21 to 25 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

No amendments to claims were filed after the final rejection. An advisory action was issued on April 3, 2006. A Notice of Appeal was filed on March 14, 2006 and received by the U.S.P.T.O. on March 16, 2006.

5. SUMMARY OF THE INVENTION

Independent claim 1 recites a transfer apparatus for a sheet material article trimmer (see, e.g., 20 in Fig. 1, in specification see, e.g., paragraph [0031]), the transfer apparatus comprising: a transfer element (see, e.g., 30 in Fig. 1, in specification see, e.g. paragraph [0049]) configured to grip the sheet material article (see, e.g., 54 in Fig. 14, in specification see, e.g. paragraph [0049]) and move the

sheet material article in a transfer direction onto a moving side table (see, e.g., 22 in Fig. 14, in specification see, e.g. paragraph [0052]) of the sheet material article trimmer (see, e.g., 20 in Fig. 1, in specification see, e.g., paragraph [0031]); and a driver (see, e.g., 88 in Fig. 9, in specification see, e.g., paragraph [0050]) configured to move the transfer element at a same speed as the moving side table during a first time period, the speed of the side table (see, e.g., 22 in Fig. 14, in specification see, e.g. paragraph [0052]) and the transfer element (see, e.g., 30 in Fig. 1, in specification see, e.g. paragraph [0049]) varying during the first time period, when the sheet material article is gripped by the transfer element (see, e.g., 30 in Fig. 1, in specification see, e.g. paragraph [0049]) and the side table (see, e.g., 22 in Fig. 14, in specification see, e.g. paragraph [0052]) is moving in the transfer direction.

Further, independent claim 25 recites a transfer apparatus for a sheet material article trimmer (see, e.g., 20 in Fig. 1, in specification see, e.g., paragraph [0031]), the transfer apparatus comprising: a transfer element (see, e.g., 30 in Fig. 1, in specification see, e.g. paragraph [0049]) configured to grip the sheet material article and move the sheet material article in a transfer direction onto a side table (see, e.g., 22 in Fig. 14, in specification see, e.g. paragraph [0052]) of the sheet material article trimmer (see, e.g., 20 in Fig. 1, in specification see, e.g., paragraph [0031]); and a driver (see, e.g., 88 in Fig. 9, in specification see, e.g., paragraph [0050]) configured to move the transfer element (in specification see, e.g., paragraph [0008]) at a same speed as the side table (see, e.g., 22 in Fig. 14, in specification see, e.g. paragraph [0052]) during a first time period when the sheet material article is gripped by the transfer element (in specification see, e.g., paragraph [0008]) and the side table is moving in the transfer direction; the driver including an epicycle gear unit (see, e.g., 88 in Fig. 9, in specification see, e.g., paragraph [0050]), the epicycle gear unit including a constant speed input member (in specification see, e.g., paragraph [0051]) driven by a main trimmer drive (in specification see, e.g., paragraph [0051]) of the sheet material article trimmer and a variable speed input member (in specification see, e.g., paragraph [0051]) configured for varying an output of the epicycle gear unit (see, e.g., 88 in Fig. 9, in specification see, e.g., paragraph [0050]) so as to vary a speed of

the transfer element (in specification see, e.g., paragraph [0008]).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 to 8 and 21 to 24 should be rejected under 35 U.S.C. §102(b) as being anticipated by Sarring (US 3,722,336). Whether claims 9 to 11 and 25 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Sarring in view of asserted applicants' admitted prior art.

7. ARGUMENTS

35 U.S.C. §102 (b) Rejections

Claims 1 to 8 and 21 to 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Sarring (US 3,722,336).

Sarring shows belts 1294, 1010 (See Advisory Action) and a side knife bar 1490 moving downwardly.

Claim 1 recites a transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a moving side table of the sheet material article trimmer; and

a driver configured to move the transfer element at a same speed as the moving side table during a first time period, the speed of the side table and the transfer element varying during the first time period, when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction.

Side knife bar 1490 clearly is not "a moving side table" as claimed.

Moreover, even assuming that knife bar 1490 is somehow a table (which it is not), there is no "*driver configured to move the transfer element at a same speed as the moving side table during a first time period, the speed of the side table and the transfer element varying during the first time period, when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction*" as claimed.

The elements 1294 and 1490 do not *vary speed during the first time period* as

claimed. The belt 1294 is stationary and does not move during the cut, as shown by Fig. 38. The vertical value in the chart is distance or position, not speed. There is no point where the element 1490 moves at a same varying speed as the belts.

Moreover, Sarraf does not teach or show a first time period, "*when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction*" and this limitation has not been addressed.

Withdrawal of the rejections under 35 U.S.C. §102(b) to claims 1 to 8 and 21 to 24 is respectfully requested herewith.

Claim 21: Argued Separately

With further respect to claim 21, claim 21 recites the transfer apparatus as recited in claim 1 wherein the driver moves the transfer element during the first time period to match a reciprocating motion of the side table.

The driver in Sarraf does not move the belts 1294 at all during the time period cited in the office action. The belts 1294 are stationary at this point.

Withdrawal of the rejection to claim 21 for this reason as well is respectfully requested.

35 U.S.C. §103(a) Rejections: Argued Separately

Claims 9 to 11 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sarring in view of applicants' admitted prior art (Bryson et al., US 3,733,947).

With respect to claims 9 to 11, withdrawal in view of the above is respectfully requested. In addition, it is respectfully submitted that there is no proper motivation or reason to have combined the two references.

With respect to claim 25, claim 25 recites a transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a side table of the sheet material article trimmer; and

a driver configured to move the transfer element at a same speed as the side

table during a first time period when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction;

the driver including an epicycle gear unit, the epicycle gear unit including a constant speed input member driven by a main trimmer drive of the sheet material article trimmer and a variable speed input member configured for varying an output of the epicycle gear unit so as to vary a speed of the transfer element.

It is respectfully submitted that Sarring does not have “a driver configured to move the transfer element at a same speed as the side table during a first time period when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction” as asserted in the Office Action and discussed above, and withdrawal of the rejection to claim 25 for this reason is respectfully submitted.

In addition, it is respectfully submitted that there is no proper motivation or reason to have combined the two references.

Withdrawal of the rejections under 35 U.S.C. §103(a) to claims 9 to 11 and 25 is respectfully requested herewith.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance.
Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

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APPENDIX A:

**PENDING CLAIMS 1 to 11 AND 21 TO 25 OF
U.S. APPLICATION SERIAL NO. 10/035,997**

Claim 1 (previously presented): A transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a moving side table of the sheet material article trimmer; and

a driver configured to move the transfer element at a same speed as the moving side table during a first time period, the speed of the side table and the transfer element varying during the first time period, when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction.

Claim 2 (original): The transfer apparatus as recited in claim 1 wherein the driver is further configured to move the sheet material article to a predetermined position relative to the side table before moving the transfer element at the same speed as the side table.

Claim 3 (original): The transfer apparatus as recited in claim 1 wherein side clamps of the side table grip the sheet material article during at least a portion of the first time period.

Claim 4 (original): The transfer apparatus as recited in claim 1 wherein a side trimming operation is performed during at least a portion of the first time period.

Claim 5 (original): The transfer apparatus as recited in claim 1 wherein the driver is further configured to move the transfer element at a same speed as a front table of the sheet material article trimmer during at least a portion of a second time period when

the transfer element grips the sheet material article and a front clamp of the sheet material article trimmer grips the sheet material article.

Claim 6 (original): The transfer apparatus as recited in claim 1 wherein the driver is further configured to move the transfer element at a same speed as a receiving conveyor of the sheet material article trimmer during a third time period so as to move the sheet material article from the side table onto the receiving conveyor.

Claim 7 (original): The transfer apparatus as recited in claim 1 wherein the transfer element includes at least one continuous belt.

Claim 8 (previously presented): The transfer apparatus as recited in claim 7 wherein the at least one continuous belt includes an upper belt and a lower belt for engaging the sheet material article therebetween.

Claim 9 (original): The transfer apparatus as recited in claim 1 wherein the transfer element includes a shuttle mechanism.

Claim 10 (original): The transfer apparatus as recited in claim 1 wherein the driver includes an epicycle gear unit, the epicycle gear unit including a constant speed input member driven by a main trimmer drive of the sheet material article trimmer and a variable speed input member configured for varying an output of the epicycle gear unit so as to vary a speed of the transfer element.

Claim 11 (original): The transfer apparatus as recited in claim 1 wherein the driver includes a servo motor configured to vary a speed of the transfer element.

Claims 12 to 20 (canceled).

Claim 21 (previously presented): The transfer apparatus as recited in claim 1 wherein the driver moves the transfer element during the first time period to match a

reciprocating motion of the side table.

Claim 22 (previously presented): The transfer apparatus as recited in claim 21 wherein the first time period corresponds to 130 degrees of the reciprocating motion of the side table.

Claim 23 (previously presented): The transfer apparatus as recited in claim 1 wherein the driver moves the transfer element during the first time period to exhibit a curved velocity profile.

Claim 24 (previously presented): The transfer apparatus as recited in claim 1 wherein the driver both increases and decreases the speed of the transfer element during the first time period.

Claim 25 (previously presented): A transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

- a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a side table of the sheet material article trimmer; and

- a driver configured to move the transfer element at a same speed as the side table during a first time period when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction;

- the driver including an epicycle gear unit, the epicycle gear unit including a constant speed input member driven by a main trimmer drive of the sheet material article trimmer and a variable speed input member configured for varying an output of the epicycle gear unit so as to vary a speed of the transfer element.



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APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.



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APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in "2. RELATED APPEALS AND INTERFERENCES" of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.